

REFERENCE TITLE: spirituous liquor; minors; unlicensed gatherings

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HB 2695

Introduced by
Representatives Kavanagh, Campbell CH

AN ACT

AMENDING TITLE 4, CHAPTER 2, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 4-244.01; RELATING TO LIQUOR VIOLATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 4, chapter 2, article 3, Arizona Revised Statutes, is
3 amended by adding section 4-244.01, to read:

4 **4-244.01. Providing spirituous liquor to persons under the**
5 **legal drinking age: violation; classification**

6 A. IT IS UNLAWFUL FOR A RETAIL LICENSEE OR AN EMPLOYEE OF A RETAIL
7 LICENSEE TO SELL SPIRITUOUS LIQUOR TO A PERSON IF THE RETAIL LICENSEE OR
8 EMPLOYEE KNOWS THE PERSON INTENDS TO FURNISH THE SPIRITUOUS LIQUOR TO A
9 PERSON WHO IS UNDER THE LEGAL DRINKING AGE.

10 B. IT IS UNLAWFUL FOR A PERSON:

11 1. TO PERMIT THE USE OF UNLICENSED PREMISES THAT ARE CONTROLLED OR
12 OCCUPIED BY THE PERSON FOR A GATHERING OR AN EVENT AT WHICH THE PERSON KNOWS
13 SPIRITUOUS LIQUOR MAY BE SOLD, FURNISHED OR GIVEN TO PERSONS WHO ARE UNDER
14 THE LEGAL DRINKING AGE.

15 2. TO OPERATE A GATHERING OR AN EVENT THAT IS CONDUCTED AS A BUSINESS
16 WITH AN ADMISSION FEE, MEMBERSHIP FEE OR OTHER SIMILAR FEE REQUIRED TO
17 PARTICIPATE IN THE GATHERING OR EVENT AND THE GATHERING OR EVENT OCCURS AT AN
18 UNLICENSED PREMISES AT WHICH A PERSON OR PERSONS OPERATING AT THE DIRECTION
19 OF THE PERSON SELL, FURNISH OR GIVE SPIRITUOUS LIQUOR TO PERSONS WHO ARE
20 UNDER THE LEGAL DRINKING AGE. FOR THE PURPOSES OF THIS PARAGRAPH, "CONDUCTED
21 AS A BUSINESS" MEANS AN ENTERPRISE THAT IS ENGAGED IN WITH THE OBJECT OF
22 GAIN, BENEFIT OR ADVANTAGE, EITHER DIRECT OR INDIRECT, REALIZED OR
23 UNREALIZED, BUT NOT WHEN INCIDENTAL TO A BONA FIDE SOCIAL RELATIONSHIP.

24 C. SUBSECTION B OF THIS SECTION DOES NOT APPLY TO ANY OF THE
25 FOLLOWING:

26 1. A PARENT WHO IS AT LEAST TWENTY-ONE YEARS OF AGE AND WHO GIVES
27 SPIRITUOUS LIQUOR TO THE PARENT'S CHILD IN A PRIVATE RESIDENCE.

28 2. A GUARDIAN WHO IS AT LEAST TWENTY-ONE YEARS OF AGE AND WHO GIVES
29 SPIRITUOUS LIQUOR TO THE GUARDIAN'S WARD IN A PRIVATE RESIDENCE.

30 3. A PERSON WHO GIVES SPIRITUOUS LIQUOR TO ANOTHER PERSON WHO IS UNDER
31 TWENTY-ONE YEARS OF AGE IN CONJUNCTION WITH A RELIGIOUS SERVICE OR CEREMONY
32 PURSUANT TO SECTION 4-249 IF THE SPIRITUOUS LIQUOR WAS LAWFULLY PURCHASED.

33 4. A LICENSEE AND ITS EMPLOYEES IF THE LICENSEE IS ACTING WITHIN THE
34 SCOPE OF ITS LICENSE AND THE EMPLOYEE IS ACTING WITHIN THE SCOPE OF
35 EMPLOYMENT.

36 D. A PERSON WHO VIOLATES SUBSECTION A OR SUBSECTION B, PARAGRAPH 1 OF
37 THIS SECTION IS GUILTY OF A CLASS 1 MISDEMEANOR. A PERSON WHO VIOLATES
38 SUBSECTION B, PARAGRAPH 2 OF THIS SECTION IS GUILTY OF A CLASS 6 FELONY.